



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-3503 FAX (603) 271-2982



NOTICE OF PAST VIOLATIONS
December 30, 2003

John and Kimberly MacPherson
144 Shaker Street
P.O. Box 68
North Sutton, NH 03260

RE: RSA 485-A:17 Alteration of Terrain Violations

Dear John and Kimberly MacPherson:

On October 29, 2003, personnel from the NH Department of Environmental Services ("DES") observed sediment laden runoff entering an unnamed stream adjacent to your property located on Shaker Street, North Sutton, more particularly identified on Town of Sutton Tax Map 07 as Lot 634, 316 (the "Property").

DES personnel observed that approximately 5+ acres on the Property had been cleared and stumped. The de-vegetated area, with an approximate 3:1 slope, was eroding and sediment-laden runoff was entering a roadside drainage swale along Shaker Street, which emptied into an unnamed stream, and sediment-laden runoff from the Property entered directly into the same unnamed stream along the southern edge of the Property. No erosion control measures were observed on the Property.

Pursuant to RSA 485-A:17, a Site Specific Permit is required to be obtained from DES prior to construction, earth moving or other significant alteration of the characteristics of the terrain...when a contiguous area of 100,000 square feet or more will be disturbed (or 50,000 square feet or more if within the protected shoreland as defined by RSA 483-B). The site specific (or alteration of terrain) permit is intended to protect New Hampshire surface waters by controlling soil erosion and managing stormwater runoff from developed areas. We find no record of a site specific permit being issued under your name for the work described above.

Erosion control measures must be employed to prevent further degradation of wetlands and surface waters of the state. You are requested to voluntarily refrain from carrying out any additional work, except for the implementation of siltation and erosion control measures and any work necessary to stabilize (vegetate) the Property, until proper authorization to proceed has been obtained.

In addition, if any of the work on the Property has been conducted in wetland areas, pursuant to RSA 482-A, a wetlands permit is required to be obtained from DES and posted on site.

This Notice of Past Violation ("Notice") is to inform you that the violations referenced above have been documented and will be maintained on file at DES. Any future violations may result in enforcement action by DES under RSA 485-A:22, RSA 482-A:13 and 482-A:14, including but not limited to the issuance of fines, administrative orders or referral to the New Hampshire Department of Justice for consideration of civil or criminal penalties. If an order is issued to you, it will also be recorded with the Registry of Deeds as an encumbrance against your property.

DES personnel may re-inspect the property at a later date to insure that additional violations of state rules and law have not occurred on the Property. DES reserves the right to pursue restoration or other enforcement action for any future violations observed during subsequent inspections of the property.

Should you have any questions regarding this letter please contact Ana Ford at (603) 271-3380.

Sincerely,

The word "COPY" is printed in large, bold, black capital letters. Overlaid on the letters is a handwritten signature in black ink, which appears to read "Ana Ford".

Ana Ford
Compliance Specialist
Land Resources Management Program

Certified Mail RRR # 7099 3400 0002 9774 7565

cc: Mark Harbaugh, NH DES Compliance Attorney
Town of Sutton, Board of Selectmen
Town of Sutton, Conservation Commission